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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

vs.

KURT ALBIN ERNST individually and doing
business as ERNST MECHANICAL
COMPANY, a California Company,

Defendants.

Case No.: CV 08 0355 PJH

**PLAINTIFFS' STATEMENT IN LIEU OF
CASE MANAGEMENT CONFERENCE
STATEMENT; (~~PROPOSED~~) ORDER
THEREON**

Date: July 24, 2008
Time: 2:30 p.m.
Ctmm.: 3, 17th Fl.

Plaintiffs offer this Statement in Lieu of the Case Management Conference Statement.

On January 18, 2008, Plaintiffs filed their Complaint for Damages for Breach of
Collective Bargaining Agreement and for a Mandatory Injunction ("Complaint") seeking to
recover outstanding trust fund contributions on behalf of Defendants' covered employees.

1 Plaintiffs filed their Request for Clerk's Entry of Default Against Defendant which was
2 subsequently vacated on stipulation of the parties on June 30, 2008. As part of the stipulation,
3 Defendant was granted leave to file an Answer to the Complaint which was timely filed on
4 July 2, 2008 on behalf of Kurt Albin Ernst, individually, and dba Ernst Mechanical Company.

5 **STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE**

6 Plaintiffs Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern
7 California, Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern
8 California, Board of Trustees of the Laborers Pension Trust Fund for Northern California and
9 Board of Trustees of the Laborers Training and Retraining Trust Fund for Northern California
10 ("Laborers Trust Funds") and Defendants Kurt Albin Ernst and Ernst Mechanical Company
11 stipulate to and respectfully request that the court continue the Case Management Conference in
12 this matter currently set for July 24, 2008 at 2:30 p.m. for a period of sixty (60) days.

13 The parties stipulated to and the court vacated the default judgment previously obtained
14 by the Plaintiffs. In addition, Defendants were granted leave to file an answer to the complaint.
15 Since the Plaintiffs are seeking an audit of the Defendants' business records to determine the
16 full extent of the Defendants' obligation to the Plaintiffs, the parties believe that the additional
17 60 days will allow Plaintiffs to conduct the requested audit and enter into preliminary settlement
18 negotiations.

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1 Accordingly, the parties request that this court continue the Case Management
2 Conference in this matter.

3 DATED: July 17, 2008

4 BULLIVANT HOUSER BAILEY PC

5
6 By Susan J. Olson
7 Ronald L. Richman
8 Susan J. Olson

9 Attorneys for Plaintiffs Laborers Trust Funds

10 DATED: July 17, 2008

11 LAW OFFICES OF KENNETH D. ROBIN

12 By _____/s/_____
13 Kenneth D. Robin

14 Attorney for Defendants Kurt Albin Ernst,
15 individually and dba Ernst Mechanical Company

16 **(PROPOSED) ORDER**

17 Good cause appearing, it is so ORDERED that the Case Management Conference
18 currently set for July 24, 2008 at 2:30 p.m. is continued to September 25, 2008, at
19 2:30 p.m. in Courtroom 3, 17th Floor.

20 DATED: July 17, 2008

21 By _____
22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

